



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,069	09/15/2000	Anandakumar Varatharajah	A-69227/MAK/LM	3198
30636 7590 12/20/2007 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER GARG, YOGESH C	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09663069	9/15/00	VARATHARAJAH, ANANDAKUMAR	A-69227/MAK/LM

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER

Yogesh C. Garg

ART UNIT	PAPER
----------	-------

3625

20071213

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Yogesh C Garg
Primary Examiner
Art Unit: 3625



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/663,069
Filing Date: September 15, 2000
Appellant(s): VARATHARAJAH, ANANDAKUMAR

MAILED

DEC 20 2007

GROUP 3600

Oleg F. Kaplun
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/5/2007 appealing from the Final Office action mailed on 6/7/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,490,602	KRAEMER	12-2002
6,327,576	OGASAWARA	12-2001
6,963,848	BRINKERHOFF	11-2005

End-to-End Enterprise Solution: Extending the Reach Of Retail Stores Through Point-of-Sale Web Technology". (December 1999 on website

<http://liava.sun.com/features/1999112/atpos..html>); hereinafter, "The Article"

(9) Grounds of Rejection

The following ground(s) of rejection, as presented in the Final office action mailed on 6/7/2007 are applicable to the appealed claims:

Quote:

"

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.1. Claims 1-2, 5, 7-10 and 12, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraemer (US Patent 6,490,602) and further in view of Ogasawara (US Patent 6,327,576).

Regarding claim 1, Kraemer shows a method for manipulating an available digital data in the form of product web pages on a server (receipt data in the preamble of the claim corresponds to the product web pages in Kraemer and it is manipulated by gift-recipients to create a gift or bridal registry, see at least col.6, lines 1-11), the method comprising:

receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction; transmitting the selection to the data farm; storing the list on the data farm after the selection is made; and receiving a user authorization for a group of people to remotely review the list. the reviewing performed using at least one remote computing device (see at least Figs 1, 1B and 1C and col.5, line 15-col.6, line 57. In Kraemer a gift-recipient via his computing device 120 accesses a server 100 via Internet 110 and while browsing available digital data in the form of product web pages on the server (electronic receipt as claimed is a also stored digital data and corresponds to the available digital data in the form of product web pages which is similarly manipulated by users to create a gift or bridal registry) transmits his selection of line item s) to register gifts, that is creating an electronic gift list/registry and storing it in the server such that the electronic gift list is available for remotely viewing by a group of gift givers to the gift recipients. Since the gift givers have to provide authentication to access this electronic list of gifts of the gift recipients it implies that they receive the authorization from gift recipients to view the electronic gift list and buy the gifts for them as per the electronic gift list created by them.

Kraemer does not explicitly show using electronic receipt but it discloses using electronic documents, such as product web pages based on past record of the gift recipient, for preparing the electronic gift list (see col.5, line 15-col.6, line 11). Ogasawara discloses a system for manipulating electronic receipt data, the system comprising generating an electronic receipt, wherein the electronic receipt includes a record of a first purchase transaction (see at least Fig.1, col.3, line 22-col.4, line 5

where the store web server "20" which stores a program, corresponding to a merchant, to generate an electronic receipt 18 including a record of a purchase transaction) and a data farm/service provider website configured to store the electronic receipt (see at least Fig. 1, col. 4, lines 26-58. The memory storage area "22" of the web server corresponds to the claimed data farm). The stored electronic receipt data can be downloaded by a user at any time for any intended use (see col. 4, lines 26-39). In view of Ogasawara, it would be obvious to one of an ordinary skilled in the art to modify Kraemer to incorporate its teachings of storing electronic receipts of the past purchases of gift-recipients in a memory of the server to allow the gift recipients to use them because it would enhance the Kraemer's system of using the past record of product selections to create electronic gift list/registry.

Regarding claims 2 & 5, Kraemer discloses reviewing the list by a group of people and receiving, at one of a consumer and a shopping-service coupled to the data farm, an order selection from one of the group of people for the first line item (see at least col. 6, lines 34-63. Interested group of gift givers review the created electronic gift list/registry and place purchase orders).

Regarding claim 7, Kraemer discloses receiving, on the user computer device, a user selection of a second line item from the first electronic receipt and adding that the second line item to the list (see at least col. 5, line 15-col. 6, line 57. A gift recipient can select any number of gift items and add them to the electronic gift registry/list).

Regarding claim 8, Kraemer in view of Ogasawara discloses receiving, on the user computer device, a user selection of a second line item from a second electronic receipt, wherein the second electronic receipt includes a record of a second purchase transaction and adding that the second line item to the list (see at least Ogasawara col. 4, lines 26-39 suggesting storing a plurality of electronic receipts which include records of plurality of past purchases from a plurality of merchants). In view of Ogasawara, it would be obvious to one of an ordinary skilled in the art to modify Kraemer to incorporate

its teachings of storing a plurality of electronic receipts which include records of plurality of past purchases from a plurality of merchants of gift-recipients in a memory in a server because it would enhance the Kraemer's method and system of allowing the gift recipient to use a plurality of records of past purchases from a plurality of merchants to create electronic gift list/registry (It is to be noted that Kraemer's system and method already teaches providing a list of plurality of retailers based upon the gift-recipient's past selections to create an electronic gift registry/list, see col.5, lines 15-39).

Regarding claims 9-10, and 12, Kraemer in view of Ogasawara teaches a method for purchasing goods, including services, from multiple merchants, the method comprising generating an electronic receipt for the transaction, the receipt including a line item corresponding to a purchase record for each of the first and second goods, and storing the electronic receipt in a remote database for later retrieval, retrieving the electronic receipt using the user computing device, wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of Users to retrieve the line items, the retrieval performed using at least one remote computing device (see the analysis as set forth for claim 1 above). Kraemer further teaches the other claim limitations, "receiving, on a user computing device, a user's selections of first and second goods for purchase on respective first and second websites and receiving payment for the first and second goods through the second website with one transaction from the user's perspective wherein the step of paying comprises automatically placing first and second orders for the first and second goods with the respective first and second websites (see at least col.7, lines 35-43, " *The method of the present invention may be used to devise a multi-retailer shopping cart, whereby the user can accumulate multiple products from independent retailers within a single virtual shopping cart. The user may select a "Purchase all products" within the toolbox to submit their credit card and contact information to all the retailers, for all the products within their shopping cart, all at once. Purchasing multiple products from multiple retailers all at once significantly increases convenience for the user.* ". Note: Since the user is allowed to purchase from a plurality of websites and if he is purchasing from two different websites then he would inherently

close his purchase transaction at the second website and by selecting the button, "Purchase all products" he checks out at the second website which inherently includes the payment as well for the products and the orders are placed on the first and second websites belonging to first and second vendors.).

Regarding claims 14-15, their limitations, that is generating a first electronic receipt as a result of a first purchase transaction at a first merchant and generating a second electronic receipt as a result of a second purchase transaction at a second merchant, are already covered in the analysis for claims 1 and 8 set forth above.

Regarding claims 16-19, their limitations are closely parallel to the limitations already covered in claims 1, 8, 14-15 and therefore they are rejected based on similar rationale set forth above for claims 1, 8, 14-15 above.

4.2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraemer/Ogasawara and further in view of Brinkerhoff (US Patent 6,963,848 B1).

Regarding claim 6, Kraemer/Ogasawara teaches all the limitations of claim 2, as analyzed above. Kraemer/Ogasawara does not teach commenting on the list. Brinkerhoff explicitly teaches allowing purchasers to write comments and views which can be presented to other consumers (see at least Abstract and col. 1, lines 44-53). In view of Brinkerhoff, it would be obvious to one of an ordinary skilled in the art to modify Kraemer/Ogasawara as applied to claim 2 to incorporate its teachings of allowing purchasers to write comments and views which can be presented to other consumers because, as suggested in Brinkerhoff (see col. 1, lines 44-53) it would enable other consumers to take into account these experiences and in addition the merchants can use these reviews to improve their products/services.

4.3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraemer/Ogasawara and further in view the article posted on Internet, "End-to-End Enterprise Solution: Extending the Reach of Retail Stores Through Point-of-Sale Web Technology" (December 1999 on website <http://java.sun.com/features/1999/12/atpos..html>).

Regarding claim 13, Kraemer further teaches viewing an advertisement (see at least col.3, line 53-col.4, line 7, " *Toolbar 150 may also include a graphical presentation such as an advertisement. Toolbar 150 may also include sponsored presentations such as advertising banners.* ") but does not disclose that this advertisement is displayed while paying. However, in the field of same endeavor, "End-to-End Enterprise Solution" discloses this feature (see page 1, "*customers select their preferred payment method..... participate in surveys and be treated to targeted color display and banner ads...all the time it takes to process the customer's payment transaction...*"). In view of "End-to-End Enterprise Solution", it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Kraemer in view of Ogasawara, as applied to claim 10, to incorporate the feature of displaying advertisement during the step of paying because the advertisements fills up the payment processing time, which is utilized to display targeted advertisements based upon the customer's profile and which is expected to increase the revenues and profits of the manufacturers of items for which the advertisements are displayed. "

Unquote:

(10) Response to Argument:

I. Rejection of claims 1, 2, 5, 7-10, 12 and 14-19 under 35 USC 103 (a) as Obvious under Kraemer and Further in view of Ogasawara.

Since the appellant's arguments are directed to the representative claim1 so shall be the examiner's response directed to claim 1.

Claim 1 recites:

A method for manipulating receipt data, the method comprising:

receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction;

transmitting the selection to the data farm; storing the list on the data farm after the selection is made; and

receiving a user authorization for a group of people to remotely review the list. the reviewing performed using at least one remote computing device.

Since the appellant has not invoked 35 USC 112, 6th paragraph, that is “means or steps plus function limitations”, examiner has given the broadest reasonable interpretation to the claim language, see MPEP 2111.

The examiner interprets “electronic receipt stored on a remotely located data farm “ as digital data stored on a remote web site, and this digital data, which includes list of items, is browsed by the user through a web browser such that the user can select as per his choice some of the items to create another electronic list [electronic because the operation is done electronically]. This stored digital data could relate to a record of a previous purchase transaction, as claimed, or a list of vendor items displayed on a web page as taught in Kraemer (see at least Figs 1, B, C and col.5, line 15-col.6, line 57) and in either case a user can select items from this displayed digital data and receive the selected item list on the user's computing device as disclosed in both Kraemer and the applicant's claim. However, it is to be noted that the manipulative step of receiving a list of items selected from a digital data stored remotely is carried out in the same manner irrespective of the fact what the stored digital data includes because the contents of digital data does not affect the manipulative step of receiving a list of items selected from a digital data stored remotely. Therefore, the type of stored

digital data, that is whether it relates to a record of a purchase transaction stored on a remote web site or to a vendor's list of items stored on a remote web site is mere non-functional and not affecting the manipulative step of receiving a list of items selected from a digital data stored remotely. But Ogasawara in the same field of endeavor, that is electronic commerce, teaches (see at least col.3, line 54-col.4, line 39) storing the contents of a previous purchase transaction by storing electronic receipts of purchase transactions on a remote server and making them available to a remote user so that he can use the data in the stored electronic receipts in various ways, for example, to shop online with a plurality of stores through their web servers without having to carry with him the purchase receipts (col.4, lines 26-30) and for processing online for expiration date management of the items previously purchased. Therefore, it is obvious from Ogasawara's teachings that the historical data stored in electronic receipts from previous purchase transactions can be used for future shopping activities including creating gift registries because the purpose of gift registry is to prepare a shopping list for products from various stores as taught in Kraemer.

Further, keeping in line with the recent Court Decision in *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), all the claimed elements were known in the prior art and one skilled in the art could have combined the features as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of an ordinary skilled in the art at the time of the invention. Kraemer teaches the second step of transmitting the selection to the data farm and storing the list on the data farm after the selection is made when the user in Kraemer

transmits his selection of line items to register gifts, that is creating an electronic gift list/registry and storing it in the server such that the electronic gift list is available for remotely viewing by a group of gift givers to the gift recipients.

The third and last recited step of claim1 is “ receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device. “. In Kraemer . the newly created electronic list in the form of a gift registry is stored and available at the remote server be viewed by a group of gift givers (see Kraemer, col.6, lines 24-57, “ *The account may be kept private with an identification and password authentication scheme. A gift-giver accesses the gift-recipient's gift registry by accessing enhanced functionality server 100. Enhanced functionality server 100 may use a series of question and answer forms to obtain information about the gift-giver,, and to make sure the gift-giver accesses the proper gift-recipient's gift registry. Having positively identified and supplied the correct authentication, the gift-giver may be presented with a series of screens, the total of which displays the gift-recipient's list of registered gifts.* “). As regards the limitation, “ receiving a user authorization”, the claim language does not include any specificity as how the authorization is executed and in broad terms it means that the reviewer should have permission to view the list (as also covered in the applicant's disclosure, page 11, lines 6-11). The gift-givers in Kraemer would be the gift recipient's friends, relatives and acquaintances who have been informed by the gift recipient about a particular event related to the gif-recipient and implied act of informing the gift givers by the gift-recipient corresponds to permitting the group of gift-givers to view his created gift-registry. Further, Kraemer also emphasizes that the gift givers are allowed o access this gift registry of the gift-recipient with proper authentication and passwords which also implies

and would be obvious to one of an ordinary skilled in the art that these gift givers are informed and permitted by the gift recipient to access the web site for purchasing gifts.

In view of the foregoing, the appellant's arguments (see appeal brief, pages 5-8) that Kraemer in view of Ogasawara does not render obvious the limitations of claim 1 are not persuasive. The examiner notes that quite a few times in his arguments the appellant has attacked the references individually (see appeal brief, pages 6-7, "Kraemer does not disclose using electronic documents such as product web pages based on past records....",). It is respectfully submitted that Kraemer does teach storing gift selections, but gift selections are not stored from line item selection of prior transactions " , and " Kraemer does not teach or suggest, " receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction"). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the foregoing, the rejection of claim 1 is sustainable as being unpatentable over Kraemer in view of Ogasawara. Since the rationale of the appellant's arguments regarding independent claims 9, 16 and 18 and dependent claims 10, 12, 14

and 15 is based upon the arguments for claim 1, rejection of claims 1, 2, 5, 7-10, 12 and 14-19 is sustainable.

II Rejection of claim 6 under 35 USC 103 (a) as Obvious under Kraemer and Further in view of Ogasawara and further in view of Brinkerhoff.

In view of the foregoing, the rejection of claim 1 is sustainable as being unpatentable over Kraemer in view of Ogasawara. Since the rationale of the appellant's arguments regarding dependent claim 6 is based upon the arguments for claim 1, rejection of claim 6 is sustainable.

III Rejection of claim 13 under 35 USC 103 (a) as Obvious under Kraemer and Further in view of Ogasawara and further in view of "The Article"

In view of the foregoing, the rejection of claim 1 is sustainable as being unpatentable over Kraemer in view of Ogasawara. Since the rationale of the appellant's arguments regarding dependent claim 13 is based upon the arguments for claim 1, rejection of claim 6 is sustainable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Application/Control Number:
09/663,069
Art Unit: 3625

Page 15

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Yogesh C. Garg
Primary examiner

Conferees:

William J. Allen
Examiner AU3625



Vince Millin
(Appeal Specialist-Technology Center 3600)